



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of Chairman Jon Leibowitz

TO: Don Clark  
FROM: Christine DeLorme  
DATE: November 7, 2012  
RE: COPPA Rule: Comments to be placed on the public record

On November 7, 2012, representatives of Apple, Inc. met with FTC Chairman Leibowitz, his Chief of Staff and attorney advisors, and other agency staff to discuss the supplemental proposed amendments to the FTC's COPPA Rule.<sup>1</sup>

Apple stated that the company was concerned about liability being extended to a platform (*i.e.* the Apple App Store) for apps available through the platform that might collect information from children. Apple analogized this situation to holding a big box retailer liable if it sells a video game that enables children to chat with each other online. Apple stated that in such circumstances, the app itself should be responsible for following the law.

Apple stated that it had no objection to the proposed inclusion of persistent identifiers as personal information and the proposed provision that would allow collection of persistent identifiers for specific enumerated uses.

Apple inquired whether the agency has heard from the education community and raised the issue of whether teachers would be able to obtain and use information collected from students using mobile technology (for instance, to identify whether a particular student was having difficulty with an exercise, or to be able to tailor such activities to individual students).

Apple also raised the issue of whether there might be some technological way to expand on existing parental restrictions available on mobile devices to obtain consent from parents that would satisfy the COPPA Rule. Apple questioned the appeal of the proposed formal process to obtain Commission approval for new methods of obtaining consent, given that companies innovating new technologies might not want to have such technologies revealed on the public record before there was some assurance that the technology would be accepted by the Commission.

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<sup>1</sup> In attendance on behalf of Apple were Nick Ammann (Director, Government Affairs), Jane Horvath (Director of Global Privacy), Cathy Novelli (VP, Worldwide Government Affairs) and Tim Powderly (Director, Government Affairs). In attendance from the FTC were Chairman Leibowitz, Steve Bellovin, Christine DeLorme, Mary Engle, Joni Lupovitz, Debbie Matties, and David Sieradzki.